

**ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 27,  
ARTICLE VIII OF THE PALM BEACH COUNTY CODE TO BE NOW  
KNOWN AS THE PALM BEACH COUNTY POTABLE WATER,  
WASTEWATER, AND RECLAIMED WATER SPECIAL ASSESSMENT  
ORDINANCE; AUTHORIZING THE LEVYING OF SPECIAL  
ASSESSMENTS UPON PROPERTIES SPECIALLY BENEFITTING  
FROM THE EXTENSION OF THE COUNTY'S RECLAIMED WATER  
DISTRIBUTION SYSTEM; AMENDING SECTION 27-158 TO PROVIDE  
FOR THE PRE-EMPTION OF EXISTING POTABLE WATER,  
WASTEWATER AND/OR RECLAIMED WATER SERVICE  
AGREEMENTS; AMENDING SECTION 27-160 TO PROVIDE FOR THE  
CONTINUED PROCESSING AND IMPLEMENTATION OF  
IMPROVEMENT PROJECTS COMMENCED UNDER ORDINANCE NO.  
94-10, AS AMENDED BY ORDINANCE NO. 95-52; PROVIDING FOR  
REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND  
ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida,  
adopted Ordinance No. 94-10, as amended by Ordinance No. 92-52, the Water and Sewer  
Special Assessment Ordinance, to encourage the conversion of wells and/or septic tanks to  
County water and/or sanitary sewer facilities through the construction or reconstruction of water  
and/or sewer lines to improve the distribution of water and sanitary sewer facilities throughout  
the service area of the Palm Beach County Water Utilities Department; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida  
recognizes that the use of reclaimed water offers significant advantages to both the environment  
and consumers by reducing the demand on potable water resources and facilities; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida,  
desires to encourage the extension of the County's reclaimed water distribution system by  
providing a financial vehicle for a continuing program to improve reclaimed water facilities  
through special assessments upon property specially benefitting from such improvements; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida,  
hereby exercises its authority to adopt this Ordinance under Chapter 125, Florida Statutes,  
thereby amending Chapter 27, Article VIII of the Palm Beach County Code.



1                   **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
2                   **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

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4                   Section 1. Paragraphs (a), (b) and (d)(1) of Section 27.151 are amended as follows:

5                   (a) *Title; Application.* This article shall be known as the “Potable Water, Wastewater,  
6                   and Reclaimed Water Special Assessment Ordinance”. This article shall apply to unincorporated  
7                   and incorporated areas of the county located within the county water utilities department service  
8                   area as such service area may be amended from time to time.

9                   (b) *Creation and Purpose.* This article is created in accordance with section 125.01(r),  
10                  Florida Statutes, and provides for the levying of special assessments upon properties specially  
11                  benefitting from the construction or reconstruction of potable water, wastewater and/or reclaimed  
12                  water facilities (hereinafter collectively referred to as “improvements”) in order to improve the  
13                  distribution and/or collection of potable water, wastewater, or reclaimed water within the county  
14                  water utilities department service area as such service area may be amended from time to time.

15                  (d)(1) *Improvements.* Subject to the provisions as set forth herein, improvements may be  
16                  provided within the unincorporated and incorporated areas of the county located within the  
17                  service area of the department for provision of county potable water, wastewater, and/or  
18                  reclaimed water service.

19                  Section 2. Section 27-158 is amended as follows:

20                  Sec. 27-158. Pre-emption of existing potable water, wastewater and/or reclaimed water  
21                  service agreements.

22                  The provisions of this article shall pre-empt and supersede any conflicting requirements  
23                  under a developer’s agreement or standard development agreement with the county for the  
24                  provision of potable water, wastewater, and/or reclaimed water service to the subject properties  
25                  as outlined on the assessment roll.

26                  Section 3. Section 27-160 is amended as follows:

27                  This article shall not affect or impair the processing and implementation of any  
28                  improvement project commenced under the provisions of Ordinance No. 91-41, as amended by  
29                  Ordinance No. 93-26, or Ordinance No. 94-10., as amended by Ordinance No. 95-52. All



1 projects initiated under such ordinances and all assessments thereon shall continue in full force  
2 and effect until completed and fully paid.

3 Section 4. REPEAL OF LAWS IN CONFLICT. All local laws and ordinances in  
4 conflict with any provision of this Ordinance are hereby repealed to the extent of such conflict.

5 Section 5. SEVERABILITY. If any section, paragraph, sentence, clause, phrase, or word  
6 of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void,  
7 such holding shall not affect the remainder of this Ordinance.

8 Section 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES. The  
9 provisions of this Ordinance shall become and be made a part of the Code of Laws and  
10 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered  
11 or relettered to accomplish such, and the word "ordinance" may be changed to "section,"  
12 "article," or any other appropriate word.

13 Section 7. EFFECTIVE DATE. The provisions of this Ordinance shall become effective  
14 upon filing with the Department of State.

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16 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach  
17 County, Florida, this 20th day of May, 1997.

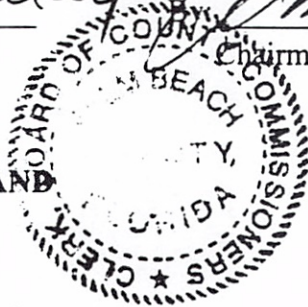
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19 **DOROTHY H. WILKEN, CLERK**

**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

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21  
22 By: Sharon J. Kelley  
23 Deputy Clerk  
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27 **APPROVED AS TO FORM AND  
28 LEGAL SUFFICIENCY**

29  
30 By: James M. Scarlett  
31 County Attorney  
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37 **EFFECTIVE DATE:** Filed with the Department of State on the 23 day of  
38 May, 1997.

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STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on 5/30/97  
DATED at West Palm Beach, FL on 5/20/97.  
DOROTHY H. WILKEN, Clerk  
By: Phyllis A. House D C